

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

AMGUARD INSURANCE COMPANY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:20-cv-1853 MTS
)	
T & J ENTERPRISES, INC., <i>et al.</i> ,)	
)	
Defendants.)	

ORDER OF DISMISSAL WITHOUT PREJUDICE

The Court concludes Plaintiff’s Amended Complaint for Declaratory Judgment, Doc. [25], no longer presents a case or controversy. Plaintiff has moved for leave to file a Third Amended Complaint. Doc. [112] (Motion for Leave to File Amended Complaint); *see also* Doc. [1], [24], and [25]. Plaintiff’s proposed amendment, however, seeks to set out a “transaction, occurrence, or event that happened after the date of the” Second Amended Complaint—and after the date of every pleading Plaintiff has filed in this action. *See* Fed. R. Civ. P. 15(d). But Plaintiffs did not analyze the propriety of their proposed new pleading under Rule 15(d). Having concluded no case or controversy exists within the operative pleading and with nothing from the parties on the propriety of a supplemental pleading, which may elucidate a case or controversy, the Court must dismiss the action without prejudice for want of jurisdiction.

Accordingly,


IT IS HEREBY ORDERED that this action is **DISMISSED without prejudice**.

IT IS FURTHER ORDERED that the Clerk’s entry of Default heretofore entered against Defendants Michelle Hill and Earl Hill is **SET ASIDE**.

IT IS FINALLY ORDERED that all pending motions in this case are **DENIED** without

prejudice as moot.

Dated this 2nd day of March 2023.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE